

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

IN RE:)	
)	
GRAND JURY PROCEEDINGS)	No. 2:12-MC-248-DBH
(11-026))	
)	

ORDER OF CIVIL CONTEMPT

After notice, I conducted a civil contempt hearing on February 6, 2013, in open court. The witness was present with his lawyer. I informed him of the contempt charged and the possible penalties. The issues were previously briefed in writing by both the Assistant United States Attorney and the witness's lawyer. Based upon the evidence admitted at the hearing and after hearing oral argument, I find by clear and convincing evidence that the witness, despite being afforded immunity by an order of this court under 18 U.S.C. § 6002, refused to answer proper grand jury questions. He told me in open court that if he were asked those same questions again by the grand jury, he would continue to refuse to answer them. I reject his arguments that the grand jury should have and could have obtained the information from other sources and that the immunity afforded by 18 U.S.C. § 6002 is not broad enough to satisfy his Fifth Amendment self-incrimination rights.

I therefore **ADJUDGE** Christopher Brichetto to be in civil contempt under 28 U.S.C. § 1826 and I order that he be remanded to the custody of the United States Marshal to be confined until he is willing to give testimony before the

grand jury. The confinement shall take precedence over—*i.e.*, interrupt—the prison term which he is currently serving from a previous drug conviction. The period of confinement for this civil contempt shall not exceed the term of the now-sitting grand jury, including extensions, or 18 months, whichever is less.

Local Rule 157.6(a)(3) provides that matters occurring before the Grand Jury are sealed. Therefore any docket entries and documents in this case concerning any matters occurring before the Grand Jury shall be sealed. But the existence of this case together with this Order and the Court's docket entry reflecting that the Court conducted a hearing on this date shall be publicly available.

SO ORDERED.

DATED THIS 6TH DAY OF FEBRUARY, 2013

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE